

2013 No. 1042 (C. 44)

NATIONAL CRIME AGENCY

IMMIGRATION

**The Crime and Courts Act 2013 (Commencement No. 1 and
Transitional and Saving Provision) Order 2013**

Made - - - -

1st May 2013

The Secretary of State makes the following Order in exercise of the powers conferred by sections 60 and 61(2) of the Crime and Courts Act 2013(a):

Citation and interpretation

1.—(1) This Order may be cited as the Crime and Courts Act 2013 (Commencement No. 1 and Transitional and Saving Provision) Order 2013.

(2) In this Order “the Act” means the Crime and Courts Act 2013.

Provisions coming into force on 8th May 2013

2. The day appointed for the coming into force of the following provisions of the Act is 8th May 2013—

- (a) section 5(10) for the purposes of sub-paragraph (j) of this article;
- (b) section 8(6) for the purposes of sub-paragraph (k) of this article;
- (c) section 9(4) for the purposes of sub-paragraph (l) of this article;
- (d) section 11(6) to the extent that this provision allows the Secretary of State to make regulations conferring functions on the Independent Police Complaints Commission in relation to the exercise of functions by the Director General and other National Crime Agency officers;
- (e) section 11(9) for the purposes of sub-paragraph (m) of this article;
- (f) section 14;
- (g) section 15(3) for the purposes of sub-paragraph (n) of this article;
- (h) section 16;
- (i) section 51;
- (j) paragraph 34 of Schedule 3;
- (k) paragraph 1 of Schedule 4;
- (l) paragraphs 5, 27, 28, 29 and 30 of Schedule 5;
- (m) paragraph 5(5) and (6) of Schedule 6; and

- (n) paragraphs 1 to 5 and 13 of Schedule 8.

Provisions coming into force on 27th May 2013

3. The day appointed for the coming into force of the following provisions of the Act is 27th May 2013—

- (a) section 1(1) and (2);
- (b) section 1(12) for the purposes of sub-paragraph (i) of this article;
- (c) section 3;
- (d) section 4(2) to (9);
- (e) section 4(10) for the purposes of sub-paragraph (j) of this article;
- (f) section 6(2);
- (g) section 9(4) for the purposes of sub-paragraph (k) of this article;
- (h) section 15(3) for the purposes of sub-paragraph (l) of this article;
- (i) paragraph 7 of Schedule 1;
- (j) paragraphs 1, 4 and 5 of Schedule 2;
- (k) paragraph 4 of Schedule 5; and
- (l) paragraphs 101 to 103 of Schedule 8.

Provisions coming into force on 25th June 2013

4. Subject to article 5, the day appointed for the coming into force of the following provisions of the Act is 25th June 2013—

- (a) section 52;
- (b) section 53;
- (c) section 54;
- (d) section 55(1) and (2);
- (e) section 55(3) for the purposes of sub-paragraph (f) of this article;
- (f) section 55(5);
- (g) section 55(6) to (13);
- (h) section 55(14) for the purposes of sub-paragraphs (i) to (l) of this article;
- (i) paragraphs 1 to 13 of Schedule 21;
- (j) paragraph 14 of Schedule 21 for the purposes of sub-paragraph (k) of this article;
- (k) paragraphs 19 and 30 to 38 of Schedule 21; and
- (l) paragraphs 39 to 50 of Schedule 21.

Transitional and saving provision

5.—(1) Section 52 applies only to an application for entry clearance made on or after 25th June 2013.

(2) Notwithstanding the coming into force of section 52, section 88A(1)(a) and (2)(b) of the Nationality, Immigration and Asylum Act 2002^(a) and the Immigration Appeals (Family Visitor) Regulations 2012^(b) continue to have effect in relation to an appeal brought in respect of an

(a) 2002 c. 41, section 88A was inserted by section 4 of the Immigration, Asylum and Nationality Act 2006 (c.13).

(b) S.I. 2012/1532.

application for entry clearance made before 25th June 2013.

Home Office
1st May 2013

Jeremy Browne
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the first commencement order made under the Crime and Courts Act 2013 (“the Act”). Article 2 brings into force on 8th May 2013 the specified order making powers, the interpretation provisions in Part 1 and section 51 of the Crime and Courts Act 2013. Section 51 makes some technical amendments to the immigration appeals provisions in the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”), and amends section 47 of the Immigration, Asylum and Nationality Act 2006 to facilitate combined appeals.

Article 3 brings into force on 27th May 2013 the further specified provisions of Part 1 of the Act. These provisions include those enabling the National Crime Agency to be formed, the Director General to be appointed by the Secretary of State, the annual plan to be issued and for consultation to take place on the Framework Document. These provisions also provide for the National Crime Agency to be exempt from the Freedom of Information Act 2000.

Article 4 brings into force on 25th June 2013 the further specified provisions in the Act. These provisions include sections 52 and 53, which remove a full right of appeal against refusal of entry clearance for family visitors and an in-country right of appeal against an application to vary leave under section 82(2)(e) of the 2002 Act if the Secretary of State certifies the decision on the grounds that it is non-conducive to the public good. It also commences section 54, which enables the Secretary of State to certify that the removal of an appellant pending the outcome of the appellant’s appeal in respect of a deportation order would not breach the appellant’s human rights. Some of the provisions in section 55 and Schedule 21 of the Act are also being brought into force on this date, which provide immigration officers with powers in relation to criminal investigations and ensure that persons who are detained in Scotland on suspicion of having committed immigration or nationality offences have the right to free legal assistance.

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